

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:11-cv-00078-RLV-DSC**

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|--|---|----------------------|
| MINAH INTERNATIONAL LTD., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CONSENT ORDER |
| |) | |
| 8011 ON THE BRIDGE, INC., and |) | |
| THOMAS J. PACCONI, JR., |) | |
| |) | |
| Defendants. |) | |
| <hr style="width:30%; margin-left:0"/> |) | |

THIS MATTER is before the Court on the parties' Consent Motion for Consent Order. (Doc. 39.) Plaintiff Minah International Ltd. ("Minah") having filed this action against Defendants 8011 On The Bridge, Inc., and Thomas J. Pacconi, Jr. (collectively "Defendants") (Plaintiff and Defendants shall be referred to collectively as the "Parties" or individually as a "Party"), and the Parties having decided to resolve this matter according to the terms and conditions hereinafter set forth as evidenced by the signatures below.

IT IS HEREBY ORDERED for good cause shown and by consent of the Parties, that

1. Defendants, jointly and severally, shall pay to Minah as satisfaction and compromise of Minah's claims set forth in the Litigation the total sum of Twenty Thousand U.S. dollars (\$20,000) (the "Settlement Amount"). The Settlement Amount, plus accrued interest from April 1, 2013, at the rate of four percent (4%) per annum, shall be paid in twelve (12) equal monthly installments of \$1,703.00 beginning on May 1, 2013, and continuing on the first day of each month thereafter with the final installment due on April 1, 2014. The outstanding balance of principal and accrued interest may be prepaid at any time without penalty.

2. All payments provided for in this Consent Order shall be made by wire transfer in U.S. dollars and in immediately available funds. The wire transfer payment shall be sent in accordance with the Parties' Settlement Agreement and Mutual General Release.

3. If Defendants fail to pay any amount due pursuant to this Consent Order, Minah may give a written notice of such default by delivering such notice to Federal Express for prepaid overnight delivery to:

Thomas J. Pacconi, Jr.
1216 Waterstone Boulevard
Franklin, Tennessee 37609

With a copy by mail to:

William H. McMillan, Esq
Pope, McMillan, Kutteh, Edwards, & Schieck, P.A.
113 North Center Street, Suite 200
Statesville, North Carolina 28677

Such notice of default shall be deemed provided as of the business day after such delivery to Federal Express.

If Defendants fail to cure such default within fifteen (15) days after such notice is provided, Minah may move the Court for a default judgment with an affidavit stating the facts underlying the uncured default and stating the amounts have been received by Minah under this Consent Order, and the dates of such receipt, prior to such uncured default. Minah shall serve a copy of such motion and supporting affidavit upon counsel for the Defendants in accordance with the Federal Rules of Civil Procedure. Defendants shall then have ten (10) days after the filing of Minah's motion for default judgment to file and serve objections to the entry of a default judgment; provided, however, that any such objection shall be limited to (a) whether the payment was made on or before the due date, (b) whether notice of default was provided, (c)

whether Defendants cured within the time allowed, or (d) the amounts Minah's affidavit states previously have been received from Defendants to be applied under the Consent Order.

Defendants must provide affidavits in support of any such objections. If Defendants do not timely file an objection to the entry of a default judgment to the extent permissible under this Consent Order, or if Defendants fail to establish such objection by adequate proof, a final judgment shall issue against Defendants, jointly and severally, in the amount of Twenty Thousand U.S. dollars (\$20,000) plus accrued interest hereunder, as reduced by any payments actually received by Minah.

4. Upon timely receipt of all amounts due pursuant to this Consent Order, Minah shall dismiss this action with prejudice.

5. This action shall be stayed until the earlier of (a) the filing of a dismissal with prejudice in accordance with Section 4 hereof, (b) the filing of a motion for a default judgment in accordance with Section 3 hereof, or (c) further order of this Court.

SO ORDERED.

Signed: April 15, 2013



Richard L. Voorhees
United States District Judge

